

MEMORANDUM

Agenda Item No. 6(C)

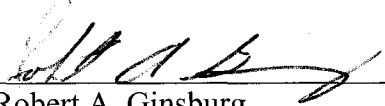
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 02-01-05)
DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
impact fees

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.



Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum



Date: February 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance pertaining to impact fees

This ordinance pertaining to impact fees assessed on structures built without proper permits or with expired permits may have a negative fiscal impact to Miami-Dade County.

By implementing this ordinance, applicants for Certificates of Completion or Occupancy for structures built without proper permits or expired permits will be allowed to pay associated impact fees corresponding to the date construction was initiated, rather than current level impact fees, therefore generating a potential impact to revenue generated by the program. However, at this time it is difficult to determine the fiscal impact because the number of applicants eligible to take advantage of the program is currently unknown.

fiscal01005




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(C)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6 (C)

02-01-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO IMPACT FEES; AMENDING SECTION 8-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR DETERMINATION OF IMPACT FEES AS OF THE DATE OF COMMENCEMENT OF CONSTRUCTION OF CERTAIN BUILDINGS AND STRUCTURES BUILT WITHOUT PERMITS OR WITH EXPIRED PERMITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 8-11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8-11. Existing buildings.

* * *

(g) (1) An existing building under Chapter 34 of the Florida Building Code includes any building or structure built with proper permits and completed with all mandatory inspections and for which a Certificate of Completion or Occupancy has been issued and any building or structure, including any part thereof as well as any addition or repair, built without proper permits in which the work performed commenced prior to March 1, 2002 or permits obtained under the South Florida Building Code which expired without Certificates of Completion or Occupancy having been issued.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(h) An applicant for a Certificate of Completion or Occupancy for any building or structure built without proper permits or with permits that expired as provided in subsection (g) hereof shall pay the impact fee which would have been applicable on the date upon which construction is demonstrated to have commenced. No refunds of impact fees paid prior to the effective date of this ordinance shall be allowed.<<

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Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CHC

Craig H. Collier

Sponsored by Commissioner Jose "Pepe" Diaz